Supreme Court, U.S.
F I L E D

94 998 SEP 26 1994

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term: 1994
(RECORD # )

WALTER H. BULLWINKLE
Petitioner

v.

STATE OF ALASKA
Respondent

ON THE WRIT OF CERTIORARI
TO THE ALASKA SUPREME COURT

# PETITION FOR CERTIORARI

WALTER H.BULLWINKLE PRO SE
69 Timberland Drive
Fairbanks, Alaska 99701
(907) 456-4521

6 pp

## QUESTIONS

1. Can the State of Alaska continue to ignore (as it has for thirty-five years) the incontrovertible fact that its case is based on a law, or rather Color of Law that is Ex Post Facto.? Said law, Ch. 19 SLA 1923 had been repealed by the Territory in 1949 and declared to be INVALID. The Act of 1923 as it was called, was VOID when it was passed in 1923 since it exceeded the limits of the powers granted by Alaska's Organic Act (Black's Legal Dictionary) and violated Article Five and the Fourteenth Amendment of the U.S. Constitution. Ten years after Ch. 19 SLA 1923 was repealed it was inherited by the State, where it was revived, reaffirmed and made a State law; i.e. thirteen years after I staked my Federal homestead.

2. The State of Alaska continues to harass and persecute its citizens; with impunity, using laws that exist only as unconscionable 'Color of Law'. Can nothing be done about this??

Reference is made to the Alaska Attorney General's opinion #11 from 1962 and the footnote to Judge Sedwick's Section Line Easements in Alaska.

The Order of Alaska's Supreme Court was entered June 27, 1994

Title USC Section 1254 confers jurisdiction to review the Order by Writ of Certiorari if filed within 90 days of final decision.

AMENDMENT FIVE states "Nor shall private property be taken for public use without just compensation."

AMENDMENT FOURTEEN states, "Nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the law."

**Article One, Sec. 10 (a) of the Bill of Rights says,"No State shall pass any Ex Post Facto Law."**

Statement of the Case:

Congress in RS 2477 offered a grant of right-of-way for construction of public roads (43 USC Sec. 77). The Territory exceeded the scope of the powers granted by Congress and passed Ch. 19 SLA 1923 which dedicated and reserved to itself easements along all section lines in Alaska.

Since 1923, the Territory and subsequently the State of Alaska has used this erroneous dedication and reservation to defeat land titles earned under the Federal Homestead Act of 1862. The Courts of Alaska have consistently protected the State in this matter, and the State has prevented the issue from being heard by Federal Courts by either refusing to become a party to a suit between third parties (Alaska Greenhouse, Inc. vs. Municipality of Anchorage, et al, (A 85-630 or hiding behind the 11th Amendment which bars Federal courts jurisdiction over cases brought to recover damages from the State. (See footnote 2 App. Page 19)

Since the Territory and subsequently the State has never exercised this dedication and reservation against the Federal government, the Federal government has never been a party to suits on the matter.

## ARGUMENT

1. The States' position is indefensible for all the reasons pointed out by the State's third Attorney General in Opinion #11. The copy to William Egan our first Governor had little effect on him, and he elected to continue the war on the U.S. Constitution even though he had sworn to uphold and defend it, shortly before. The Act of 1923 has demoralized the Alaska Bar. I have been unable to find a lawyer to take the case. They, the lawyers, say they would be blackballed by the Alaskan Courts if they won. All of the Alaska

Court System and the Governor has sworn to uphold and defend the U. S. Constitution. According to Justice Brennan it is not possible to war against the U. S. Constitution without violating your oath.

Walter H. Bullwinkle prays for writ and a favorable decision, either by per curiam decision based on the briefs or granting a writ of certiorari.

Respectfully submitted,

Walter H Bullwinkle

Walter H. Bullwinkle, Pro Se

69 Timberland Drive

Fairbanks, Alaska